

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRENDA MAZZA,

Plaintiff,

vs.

MICHELLE KING, Acting
Commissioner of Social Security,

Defendant.

8:23-CV-466

ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendations ([filing 32](#)) recommending that the plaintiff's motion for an order reversing the Commissioner's decision ([filing 14](#)) and the Commissioner's motion for an order affirming the Commissioner's decision ([filing 19](#)) be denied. Neither party has objected to the Findings and Recommendations. *See* NECivR [72.2\(a\)](#).

[Title 28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review of a Magistrate Judge's findings or recommendations only when a party objects to them. *Peretz v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. NECivR [72.2\(f\)](#). The parties were expressly advised that "failing to file an objection to this recommendation as provided in the local rules of this Court may be held to be a waiver of any right to appeal the court's adoption of the recommendation." [Filing 32 at 16](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553

F.3d 609 (8th Cir. 2009); *see also United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006).

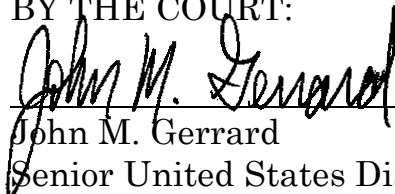
Accordingly, the Court will adopt the Magistrate Judge's Findings and Recommendations, and any objection is deemed waived.

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendations ([filing 32](#)) are adopted.
2. The plaintiff's Motion for an Order Reversing the Commissioner's Decision ([filing 14](#)) is granted.
3. The Commissioner's Motion for an Order Affirming the Commissioner's Decision ([filing 19](#)) is denied.
4. This case is remanded to the Commissioner pursuant to Sentence Four of [42 U.S.C. § 405\(g\)](#) for further proceedings consistent with the Magistrate Judge's Findings and Recommendation.
5. A separate judgment will be entered.

Dated this 11th day of February, 2025.

BY THE COURT:



John M. Gerrard
Senior United States District Judge